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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DAHON NORTH AMERICA INC., a
California corporation,

Plaintiff.

vs.

JOSHUA HON, an individual,
FLORENCE HON, an individual,
MOBILITY HOLDINGS, LTD., a Hong
Kong company, MOBILITY HOLDINGS,
LTD. (TAIWAN BRANCH) (previously
identified as Tern Bicycles), a Taiwan
company, STILE PRODUCTS, INC., a
California corporation, STEVE BOYD, an
individual, and nominal defendant
DAHON & HON INDUSTRIAL LABS
LTD., a Taiwan company.

Defendants.

Case No. CV11-5835 ODW (JCGx),
(consolidated with CV11-7554 ODW JCGx))

**SECOND AMENDED COMPLAINT
FOR:**

1. BREACH OF FIDUCIARY DUTY
 2. CONVERSION
 3. TORTIOUS INTERFERENCE
WITH PROSPECTIVE
ECONOMIC RELATIONS
 4. FRAUDULENT TRANSFER AND
REGISTRATION OF
TRADEMARKS
 5. TRADEMARK INFRINGEMENT
 6. TRADEMARK DILUTION
 7. FALSE ADVERTISING AND
FALSE DESIGNATION OF
ORIGIN
 8. BREACH OF CONTRACT
 9. ACCOUNTING
 10. UNFAIR COMPETITION [CAL.
BUS. & PROF. CODE § 17200 et
seq.]
 11. UNFAIR COMPETITION [15
U.S.C. § 1125(a)]
 12. UNJUST ENRICHMENT
 13. DECLARATORY RELIEF

CALL & JENSEN
PROFESSIONAL CORPORATION

1 | **AND DEMAND FOR JURY TRIAL**
2 |
3 |
4 |5 | Complaint Filed: July 15, 2011
6 | Trial Date: None Set
7 |
8 |9 | Plaintiff DAHON NORTH AMERICA INC. (“Plaintiff” or “DNA”) hereby
10 | alleges as follows:
11 |
12 |13 | **PRELIMINARY STATEMENT**
14 |
15 |16 | 1. By this Complaint, Plaintiff Dahon North America Inc. (“Plaintiff” or
17 | “DNA”) seeks injunctive relief, damages, and other remedies provided for by law to
18 | remedy injuries caused by Defendants JOSHUA HON, an individual, FLORENCE
19 | HON, an individual, MOBILITY HOLDINGS, LTD., a Hong Kong company,
20 | MOBILITY HOLDINGS, LTD. (TAIWAN BRANCH) (previously identified as Tern
21 | Bicycles), a Taiwan company, STILE PRODUCTS, INC., a California corporation,
22 | STEVE BOYD, an individual, and DAHON & HON INDUSTRIAL LABS LTD., a
23 | Taiwan company (collectively “Defendants”), for claims of breach of fiduciary duty,
24 | conversion, tortious interference with prospective economic relations, fraudulent
25 | transfer and registration of trademarks, trademark infringement, trademark dilution,
26 | false advertising and false designation of origin, breach of contract, accounting, unfair
27 | competition [Cal. Bus. & Prof. Code § 17200 et seq.], unfair competition [15 U.S.C. §
28 | 1125(a)], unjust enrichment, and declaratory relief.29 |
30 | 2. DNA is the parent company that oversees a collection of subsidiaries that
31 | design, manufacture and sell folding bicycles worldwide. (This collection of
32 | companies, comprising DNA and its subsidiaries, is collectively referred to herein as
33 | “Dahon”.) Dahon pioneered the market for the modern folding bicycle more than 30
34 | years ago and is the world’s leading manufacturer and marketer of folding bicycles. In
35 | an attempt to personally profit from the fame of the Dahon brand and products at the
36 | expense of DNA shareholders, Defendants have set out to unlawfully accroach control
37 | over its Taiwan subsidiary, Dahon & Hon Industrial Labs Ltd. (“Dahon Taiwan”), and
38 |

1 valuable Dahon intellectual property. Accordingly, DNA hereby seeks compensatory
 2 and punitive damages, statutory damages, restitution, and temporary and permanent
 3 injunctive relief, as set forth more fully below and in the accompanying Prayer for
 4 Relief.

5 **PARTIES**

6 3. Plaintiff Dahon North America Inc. is and was at all times mentioned in
 7 this Complaint a corporation organized and existing under the laws of California, with a
 8 principal place of business located at 833 Meridian St., Duarte, California 91010.

9 4. Defendant Joshua Hon (“Joshua”) is an individual who, upon information
 10 and belief, is domiciled and resides in Taiwan.

11 5. Defendant Florence Hon¹ (“Florence”) is an individual who, upon
 12 information and belief, is domiciled and resides in Taiwan.

13 6. Defendant Mobility Holdings, Ltd. (“Mobility Holdings”) is a Hong Kong
 14 company, with a principal place of business located at Room 1201, 12th Floor,
 15 Connaught Commercial Building, 185 Wanchai Road, Wanchai, Hong Kong. Upon
 16 information and belief, Mobility Holdings is owned and controlled by Joshua and
 17 Florence.

18 7. Upon information and belief, Defendant Mobility Holdings, Ltd. (Taiwan
 19 Branch) (“Mobility Taiwan”) is a Taiwan branch company of Mobility Holdings, Ltd.,
 20 with a principal place of business located at 9-2 Floor, No. 6, Lane 609, Sec. 5, Chung
 21 Hsin Rd., Sanchong Dist., New Taipei City, Taiwan. Mobility Taiwan was previously
 22 identified by Plaintiff as Tern Bicycles, and its true identity as Mobility Taiwan has
 23 since been clarified. Upon information and belief, Mobility Taiwan is owned and
 24 controlled by Mobility Holdings, Joshua, and Florence. Mobility Taiwan conducts
 25 business in California.

26
 27
 28 ¹ Florence Hon sometimes goes by Florence Shen, which is her maiden name.

1 8. Defendant Stile Products, Inc. (“Stile”) is a California corporation, with a
2 mailing address at 4067 Hardwick Street, Suite 288, Lakewood, CA 90712. The
3 president and registered agent for Stile is Steve Boyd who, upon information and belief,
4 is domiciled and resides in California. Upon information and belief, Mobility Holdings
5 owns 90% of the stock of Stile.

6 9. Defendant Steve Boyd (“Boyd”) is an individual who, upon information
7 and belief, is domiciled and resides in California. Steve Boyd is a former officer of
8 Plaintiff, and is currently the president and registered agent for Stile.

9 10. Defendant Dahon & Hon Industrial Labs Ltd. (“Dahon Taiwan”) is a
10 subsidiary of DNA with its principal place business located at 8F-8, No. 6, Lane 609,
11 Sec. 5, Chung Hsin Rd., Sanchong Dist., New Taipei City, Taiwan. Upon information
12 and belief, Joshua and Florence are currently exercising unlawful control over Dahon
13 Taiwan’s daily operations. Dahon Taiwan is named herein as a defendant in the event
14 that Dahon Taiwan is somehow determined not to be owned by Plaintiff.

15 11. Plaintiff is informed and believes and on that basis alleges that at all
16 relevant times, Defendants, and each of them, were the agents, servants, employees or
17 representatives of each of the other Defendants, were acting within the full course and
18 scope of said agency, employment or representation with the full knowledge and
19 consent, either express or implied, of each of the other Defendants, and are liable for the
20 conduct, damages and relief alleged in the Complaint.

21 12. Alternatively, Plaintiff is informed and believes and on that basis alleges
22 that at all relevant times Defendants, and each of them, were acting in their individual
23 capacities to conspire with each of the other Defendants to undertake the alleged
24 conduct in that they were aware that the other Defendants planned to engage in the
25 wrongful conduct alleged in this Complaint, agreed with an intention that wrongful acts
26 be committed, and acted in furtherance of such conspiracy. As a result of this
27 conspiracy, the Defendants, and each of them, are equally subject to all liability arising

from the conspiracy and arising from each and every act or omission done in furtherance of the conspiracy, including liability for punitive damages.

13. Plaintiff is informed and believes and on that basis alleges that at all relevant times, Defendants, and each of them, aided and abetted, ratified, acquiesced in, consented to and approved all of the conduct of the other remaining Defendants and therefore such conduct and its consequences are imputable to each of the Defendants.

14. Plaintiff is further informed and believes that at all relevant times there existed a unity of interest and ownership between each of the Defendants such that any individuality and separateness between the entity Defendants and the individual Defendants did not exist. Plaintiff is informed and believes that at all times Defendants, and each of them, were the alter egos of each entity Defendant, and each of them, and that they used assets and resources of each for their own individual benefit. Plaintiff is also informed and believes that at all relevant times Defendants used each of the entity Defendants as mere shells to further their improper scheme, and that Defendants transferred assets and resources among themselves without adequate consideration such that the individuality of the corporate entities is a sham and fiction, and should be disregarded.

JURISDICTION AND VENUE

15. The Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1338. This Court has supplemental jurisdiction of the state statutory and common law claims herein under 28 U.S.C. §§ 1338(b) and 1367(a). This Court has personal jurisdiction over each of the Defendants who have committed acts of infringement in violation of the Federal Lanham Act, and have placed infringing products into the stream of commerce through established distribution channels with the knowledge that such products are used and sold in this District. Defendants have also purposefully directed their tortious activities towards Plaintiff, a California entity, with the intent and knowledge that they would be causing harm to Plaintiff in this District.

16. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 in that a substantial part of the events giving rise to the claims occurred in this District, and Defendants have targeted their harm and injury to Plaintiff whose principal place of business is in this District.

FACTUAL ALLEGATIONS

The Founding and Rise of Dahon

17. Dahon was founded by Dr. David T. Hon² and Henry Hon in 1979. (The word “Dahon” is derived from the name David Hon.) With a vision of merging cycling and mass transportation for convenient and fuel efficient personal mobility, Dahon began designing folding bicycles in an effort to make a significant contribution toward decreased pollution, less dependence on gasoline, and a healthier lifestyle. The resulting Dahon folding bicycle was an immediate success.

DNA is Formed

18. By February 1982, Dahon had attracted a group of more than 35 investors who invested several million dollars into forming what is now known as DNA, with a goal of further expanding the Dahon brand.

19. Having been one of the first companies to develop and sell folding bicycles, DNA developed valuable intellectual property rights for its bicycle-related patents, trademarks and copyright. Over the years, DNA has developed relationships all over the world to help in the development, manufacture, and distribution of its folding bicycles and accessories to customers across the world. Indeed, DNA established an international reputation of goodwill and popularity associated with the Dahon brand, and has become the world's largest folding bicycle designer/manufacturer/marketer.

20. By the start of the 1990s, Dahon had already won many outstanding product awards, including Taiwan's most prestigious "National Invention" award. As

² Dr. David Hon and Florence are married, and Joshua is their son. Henry Hon is the brother of Dr. David Hon.

1 an early adopter of cutting-edge marketing tactics and strategies, Dahon was also one of
 2 the first in Taiwan to effectively engage consumers and build brand loyalty.

3 21. Widespread and longstanding use of Dahon products over the past several
 4 decades has resulted in increased visibility of the Dahon brand and its related
 5 intellectual property. Dahon's technologies have become part of the industry standard
 6 for folding bicycles the world over. DNA now has more than 1,000 employees,
 7 including a team of over 70 engineers, and owns over 220 patents.

8 22. The Dahon brand has been further popularized through international press
 9 coverage of both the Dahon products and of Dr. Hon's research and inventions. Today
 10 there are currently over 70 different folding bicycle models sold under the Dahon brand.
 11 As a consequence of these many years of advertising, sales, recognition, and awards,
 12 the Dahon brand has become a famous brand in the folding bicycle industry.

13 **Dahon's Corporate Structure Expands**

14 23. As Dahon's product offerings and market presence grew, Dahon's
 15 corporate structure grew as well. Dahon is now made up of a family of companies and
 16 subsidiaries, with DNA as the parent corporation.

17 **Dahon Taiwan**

18 24. In 1982, Dahon began operating its first Asian subsidiary in Taiwan, after
 19 an initial investment from DNA of approximately \$1.5 million. The assets of that
 20 Taiwan operation were transferred in or around 1996 to a new DNA subsidiary: Dahon
 21 and Hon Industrial Labs, Ltd., Taiwan (i.e. "Dahon Taiwan").³ Throughout its
 22 existence, at least until the wrongful acts complained of herein, Dahon Taiwan has been
 23 run by DNA as a wholly-owned subsidiary, and Dahon Taiwan has always operated
 24 under the control and direction of DNA. For instance, some Dahon Taiwan employees
 25 were paid with DNA funds, including salaries, social security taxes, and medical
 26 insurance; DNA occasionally directed that intellectual property in smaller markets be

27
 28 ³ Defendants sometimes refer to Dahon Taiwan as Dahon Global.

1 registered under Dahon Taiwan's name, to be held on behalf of and for the benefit of
 2 DNA; all Dahon intellectual property was used freely by all Dahon companies,
 3 including Dahon Taiwan; profits for the licensing and sale of Dahon products were
 4 shared among the various Dahon entities in the form of profit centers and consolidated
 5 financial reports to Dahon management; all Dahon entities shared insurance coverage
 6 under the same products liability insurance policy; and Dahon Taiwan worked jointly
 7 with other Dahon companies to market Dahon products and to fulfill customer orders.

8 **Dahon China**

9 25. Dahon Technologies, Ltd. ("Dahon China"), like DNA, is headed by Dr.
 10 Hon as CEO. Dahon China, of course, is located in China – Dahon's largest market for
 11 folding bicycles. DNA and Dahon China own the intellectual property rights to the
 12 Dahon brand in major markets such as the European Union, the United States of
 13 America, Japan and China.

14 **Defendants' Involvement in Dahon**

15 26. Since the formation of DNA to the present, Florence served as a director
 16 and as the corporate secretary for DNA. As DNA's agent, acting at the direction of
 17 DNA's board and president, Florence was appointed as CEO of Dahon Taiwan. The
 18 shares of Dahon Taiwan were put under Florence's name, to be held strictly on behalf
 19 of and for the benefit of DNA.

20 27. Joshua joined Dahon in August 1992, after graduating from the university,
 21 and after Dahon had already established itself as the number one brand in its market
 22 niche. Joshua learned much over the years working for Dahon, gaining valuable
 23 experience, and eventually becoming the Vice President, Sales & Marketing for DNA
 24 and the Dahon brand. As Vice President, Sales & Marketing, Joshua helped oversee
 25 and develop the sales and marketing strategies for the entire Dahon brand. Joshua also
 26 helped to develop Dahon's website – www.dahon.com – and he has been in charge of
 27 managing the website since its creation. Although created on behalf of and for the
 28 benefit of DNA and the entire Dahon brand, DNA has since learned that Joshua

1 registered the website under his own individual name. Throughout his career at Dahon,
2 Joshua reported directly to the CEO and president of Dahon (Dr. Hon).

3 28. Over the years, Joshua and Florence performed in their respective positions
4 as officers of DNA. However, Joshua and Florence gradually began focusing more and
5 more of their attentions to Dahon Taiwan. As was later revealed, despite their fiduciary
6 obligations to DNA and to the Dahon brand, Joshua and Florence were not simply
7 looking to improve performance at Dahon Taiwan, but were laying the groundwork to
8 either usurp the entire Dahon brand, or to annex Dahon Taiwan from DNA and form a
9 new company to compete with Dahon.

10 29. In or around 2007, Dahon considered taking the company public and
11 explored the opportunity of doing so. However, Joshua opposed the idea, and played a
12 key role in thwarting any plans to make Dahon a public company. Upon information
13 and belief, Joshua objected to making Dahon a public company at that time in part
14 because of his underlying intention to assume shared control of Dahon with Florence.

15 30. Upon information and belief, to carry-out their calculated plan to take over
16 Dahon Taiwan, Florence transferred 50% of the shares for Dahon Taiwan into Joshua's
17 name, without informing DNA of this transaction, without receiving any payment from
18 Joshua, and without knowledge of or authorization from DNA. Upon information and
19 belief, by mid-2010, Joshua and Florence no longer held the shares of Dahon Taiwan
20 strictly on behalf of and for the benefit of DNA as originally intended. Rather, they
21 began to view those shares as their personal ownership interests and as their key to
22 controlling Dahon Taiwan as their own.

23 31. To position themselves for this take-over, and to gain leverage over DNA,
24 Joshua and Florence also began consolidating as much of Dahon's intellectual property
25 as possible into Dahon Taiwan. For instance, on July 8, 2009, without making any
26 payment to DNA, and without the knowledge or permission of DNA, Joshua and
27 Florence filed an assignment in the United States Patent & Trademark Office which
28 purportedly transferred two trademarks (as described more fully below) from Plaintiff

1 to Dahon Taiwan, followed by a later assignment on February 1, 2011 of one of the
2 marks to Mobility Holdings. Moreover, it has since been learned that much of the
3 intellectual property that Joshua was instructed to register on behalf of Plaintiff was
4 wrongfully registered under Joshua's name individually, or to Dahon Taiwan, rather
5 than under Plaintiff's name. As with the Dahon Taiwan shares, by mid-2010, Joshua
6 and Florence were no longer holding Dahon's intellectual property strictly on behalf of
7 and for the benefit of DNA as intended.

8 32. Around this time, Joshua and Florence approached Dr. Hon about
9 purchasing Dahon and taking control of Dahon Taiwan and the Dahon brands. Joshua
10 and Florence made it clear that they intended to pay Dr. Hon personally for his
11 acquiescence, but that they would convert Dahon Taiwan into their own private
12 company without providing compensation to any of the other DNA shareholders. Dr.
13 Hon refused to agree to these demands.

14 33. Upon information and belief, in order to further leverage their negotiations
15 with Dr. Hon, Joshua and Florence began exerting increased control over Dahon
16 Taiwan, and began to act independently of DNA and the other Dahon subsidiaries. For
17 instance, contrary to longstanding business operations and written purchase orders,
18 Dahon Taiwan (under the direction of Joshua and Florence) began to withhold product
19 orders from other Dahon companies, and diverted those product orders to third party
20 manufacturers instead of Dahon; Dahon Taiwan stopped supplying high-end bicycles to
21 Dahon China for the China market; Dahon Taiwan began withholding funds from other
22 Dahon companies, refused to share profits with the other entities as had been done for
23 two decades, and began taking excessive deductions for their respective products and
24 services. Upon information and belief, these actions by Joshua and Florence were
25 deliberate, and were intended to drain DNA and its subsidiaries of millions of dollars in
26 lost sales, delayed production, and replacement costs.

27 34. Defendants, using their knowledge, positions, and relationships built over
28 years working for Plaintiff to sell the Dahon brand have also unlawfully interfered with

1 Plaintiff's business operations and disparaged Plaintiff, its products, and operations to
2 third parties on numerous occasions via various mediums, including by phone, letter, in
3 person, and over the Internet.

4 35. Upon information and belief, Defendants have approached Dahon's
5 distributors to solicit them to distribute the Tern brand. In particular, in March 2011,
6 while Joshua and Florence were still officers of DNA, Defendants whisked Plaintiff's
7 existing distributors off to an East Coast resort for a private showing of the new Tern
8 bicycle. Upon information and belief, Defendants informed Plaintiff's distributors on
9 this trip, and at other times, that all of the employees responsible for designing,
10 marketing, and distributing the Dahon branded bicycles over the last twenty years were
11 leaving the company, that Plaintiff no longer had rights to use the intellectual property
12 used in many current models of the Dahon bicycles, that none of the assembly factories
13 would continue to work for Plaintiff, and that Plaintiff's business was going bankrupt in
14 the near future. None of the above statements were true and they were meant to harm
15 Plaintiff and its business. As a result of Defendants' false, defamatory, and disparaging
16 claims, many of Plaintiff's distributors, including Topik, Suntour, American Classic,
17 and Fritz Zhou, now refuse to work with Plaintiff and have instead chosen to work with
18 Defendants. Defendants have since falsely boasted to the press and on the Internet that
19 all of the "existing distributors" have chosen to work with Defendants instead of
20 Plaintiff.

21 36. Defendants have improperly attempted to prevent other Dahon companies
22 from using intellectual property registered under Dahon Taiwan's or Joshua's names
23 that have been and were intended to be used by all Dahon companies. Among other
24 things, Defendants have sent intimidating letters to Plaintiff's distributors and suppliers
25 implicitly threatening legal action against anyone working with Plaintiff to supply
26 and/or distribute goods bearing the Dahon name.

27 37. Furthermore, for many years Dahon had an exclusive license to use U.S.
28 Patent No. 7,798,786 for a specific seat post bicycle pump invented by Philip Robinson.

1 Plaintiff spent significant time and money developing a manufacturing plant to build the
2 seat post pump. However, Mr. Robinson recently refused to renew the exclusive license
3 after the 2011 season. Upon information and belief, Mr. Robinson has instead granted a
4 license to use the seat post pump to Defendants. Plaintiff is informed and believes that
5 Defendants unlawfully interfered with Dahon's relationship with Mr. Robinson by
6 intentionally failing to make royalty payments on behalf of Dahon for its continued use
7 of the seat post pump patent, which Joshua, Florence, and Dahon Taiwan were
8 responsible for paying on behalf of Dahon, and failing to notify Dahon of this failure to
9 make royalty payments. In addition, Defendants unlawfully interfered with Dahon's
10 relationship with Mr. Robinson by contacting him prior to expiration of Dahon's
11 licensing agreement and convincing him to instead renew the license with the Tern
12 brand rather than the Dahon brand.

13 38. In addition to their disparaging statements to Plaintiff's distributors and
14 suppliers, on multiple occasions Defendants have used Plaintiff's own website
15 (www.dahon.com) to not only advertise their new "Tern" brand to Dahon's most loyal
16 and important customers, but to also disparage Dahon's own product and business
17 operations on www.dahon.com. Joshua Hon has posted no less than 16 posts repeatedly
18 informing consumers on dahon.com's Rider's Forum to "Tern" in a new direction, that
19 Dahon has done a poor job responding to customer service issues in the past, that Tern
20 uses superior parts and design, and that the entire team "responsible for Sales,
21 Marketing, Distribution, and Product Development of the Dahon brand" is moving
22 forward with the Tern brand. These statements on Dahon's own website and from
23 Plaintiff's own officers and employees tarnish Dahon's good name and cause confusion
24 in the marketplace as to the relationship between the entities.

25 39. Defendants have also further posted on the Internet and issued press
26 releases on multiple occasions stating that "Tern" has taken over Plaintiff's employees
27 and most of its intellectual property, allegedly leaving Plaintiff with a substandard
28 product.

1 40. When it became apparent that they would not be able to force Dr. Hon to
2 relinquish all control over the Dahon brand, Joshua and Florence instead accelerated
3 plans to annex Dahon Taiwan from DNA.

4 41. By September 2010, Joshua and Florence had created Mobility Holdings.
5 Once again without the knowledge or permission of DNA, and in clear violation of their
6 duties owed to DNA, rather than holding the shares of Dahon Taiwan and Dahon's
7 intellectual property strictly on behalf of and for the benefit of DNA as intended, Joshua
8 and Florence instead began transferring these ownership interests to Mobility Holdings
9 without providing any consideration to DNA.

10 42. Joshua and Florence also began to inform customers and distributors that
11 they would soon be breaking off from the Dahon brand due to alleged issues with
12 Dahon China. For instance, at a March 2011 trade show in Taiwan, Joshua informed
13 over 30 Dahon distributors that Dahon Taiwan would stop cooperating on the Dahon
14 brand in the following year and that he would instead be selling new product designs
15 through a competing company under a different brand.

16 43. Upon information and belief, Boyd's loyalties had transferred from Dahon
17 to Tern prior to his abrupt departure from Plaintiff in or around March 2011. Upon
18 information and belief, Boyd conspired with Defendants to use his position as an officer
19 of Plaintiff to help acquire inside information about Plaintiff and its operations and to
20 unlawfully secure intellectual property rights for Defendants prior to his departure from
21 Plaintiff. Upon information and belief, Boyd further conspired with the other
22 Defendants while an officer of Plaintiff to set up a competing business with Dahon,
23 which resulted in his now actively operating Stile to directly compete with Dahon by
24 selling Tern bicycles and infringing BIOLOGIC accessories.

25 44. On or around June 18, 2011, Joshua and Florence officially announced the
26 start of their new company – Tern. However, upon information and belief, the
27 employees, assets, funds, bank accounts, and property (intellectual, personal, and real)
28 of Tern all came from Dahon. Moreover, upon information and belief, all products

1 currently being offered for sale by Tern were developed by, and by using the funds of,
 2 Dahon.

3 45. Joshua and Florence are now actively operating Tern to directly compete
 4 with Dahon. However, as of the filing of the original complaint in this action, neither
 5 Joshua nor Florence had yet resigned, nor yet agreed to be removed, from being an
 6 officer of DNA or the other Dahon entities, or in Florence's case from being a director
 7 and corporate secretary of DNA. Moreover, Defendants are using Dahon's employees,
 8 assets, funds, bank accounts, and property (intellectual, personal, and real) to directly
 9 compete against Dahon – a clear conflict of interest and breach of fiduciary duties. All
 10 of these actions have been taken while Florence was acting as a director and corporate
 11 secretary of DNA and as CEO of Dahon Taiwan, and while Joshua was acting as Vice
 12 President, Sales & Marketing of DNA and of the Dahon brand.

13 46. In addition, despite requests to do so, Joshua refuses to return control to
 14 DNA over Dahon's website (www.dahon.com), and is, upon information and belief,
 15 using that website to divert business to his new company, to cause harm to Dahon's
 16 goodwill with customers, and to publish disparaging information about Dahon without
 17 Dahon's authorization, oversight or control.

18 47. Florence and Joshua have breached their fiduciary duties and are causing
 19 irreparable harm to DNA and to the Dahon brand. Indeed, Defendants' actions are
 20 resulting in irreparable harm to Plaintiff's reputation and goodwill, and are causing
 21 significant confusion in the marketplace. If not restrained, Defendants will continue to
 22 cause irreparable harm to Plaintiff which will negatively impact Plaintiff's market
 23 share, brand recognition and identity.

24 **U.S. Intellectual Property At Issue**

25 48. Dahon California, Inc. (the predecessor company to DNA) is the registered
 26 owner of United States Trademark Registration No. 1,577,680 ("680 Mark" or
 27 "Original DAHON Mark"), which was first registered for use on bicycles in
 28 International Class 12 goods on January 16, 1990, with a claimed first use date of May

1 1986. A copy of the 680 Mark is attached to this First Amended Complaint at Exhibit
2 "A" and is incorporated herein by reference. The 680 Mark is of the name "DAHON".
3 The 680 Mark is a valid and protectable trademark.

4 49. Upon information and belief, Defendants are unlawfully infringing on the
5 Original DAHON Mark by using the 680 Mark in connection with the manufacture and
6 sale of DAHON bicycles and DAHON-branded bicycle accessories, including use of
7 the www.dahon.com website to advertise, distribute, market, and sell these DAHON
8 products. Defendants' actions, as explained further below, have also resulted in
9 unlawful dilution of the Original DAHON Mark, in confusing the marketplace as to the
10 origins of Defendants' products, and in unfair competition with Plaintiff.

11 50. Upon information and belief, Dahon Taiwan is the registered owner of
12 United States Trademark Registration Nos. 3,887,384 ("384 Mark"), 3,887,386 ("386
13 Mark"), and 3,982,052 ("052 Mark") (collectively "Other DAHON Marks"). The 384
14 Mark was registered for use on clothing in International Class 25 goods on December 7,
15 2010, with a claimed first use date of December 1, 2005. The 386 Mark was registered
16 for use on bags in International Class 18 goods on December 7, 2010, with a claimed
17 first use date of December 31, 1986 – ten years prior to Dahon Taiwan's formation.
18 The 052 Mark was registered for use on bottles in International Class 21 goods on June
19 21, 2011, with a claimed first use date of June 30, 2010. Copies of the Other DAHON
20 Marks are attached to this First Amended Complaint at Exhibits "B"- "D" and are
21 incorporated herein by reference. The Other DAHON Marks are of the name
22 "DAHON". Upon information and belief, the Other DAHON Marks were improperly
23 registered in Dahon Taiwan's name, as they were developed using Dahon funds and by
24 Dahon employees, and were always intended to be shared by all Dahon companies.
25 Indeed, the Other DAHON Marks were granted at least in part upon reliance on the
26 Original DAHON Mark that was registered to Plaintiff. Upon information and belief,
27 however, Defendants now claim exclusive ownership over the Other DAHON Marks.
28

1 These claims of exclusive ownership by Defendants to the Other DAHON Marks are
 2 fraudulent, and are resulting in significant harm to Plaintiff and to the Dahon brand.

3 51. Dahon California, Inc. (the predecessor company to DNA) is the original
 4 registered owner of United States Trademark Registration No. 2,842,931 (“931 Mark”
 5 or “Original BIOLOGIC Mark”), which was first registered for use on bicycle
 6 handlebar grips and saddles in International Class 12 goods on May 18, 2004, with a
 7 claimed first use date of October 1, 2002. A copy of the 931 Mark is attached to this
 8 First Amended Complaint at Exhibit “E” and is incorporated herein by reference. The
 9 931 Mark is of the name “BIOLOGIC”.

10 52. Dahon California, Inc. (the predecessor company to DNA) is the original
 11 registered owner of United States Trademark Registration No. 3,591,949 (“949 Mark”
 12 or “ECOLOGIC Mark”), which was first registered for use on bicycles in International
 13 Class 12 goods on March 17, 2009, with a claimed first use date of January 1, 2009. A
 14 copy of the 949 Mark is attached to this First Amended Complaint at Exhibit “F” and is
 15 incorporated herein by reference. The 949 Mark is of the name “ECOLOGIC”.

16 53. Upon information and belief, on July 8, 2009, without knowledge,
 17 authorization or permission from Plaintiff, and without any consideration to Plaintiff,
 18 Defendants purportedly assigned the Original BIOLOGIC and ECOLOGIC Marks from
 19 Plaintiff to Dahon Taiwan. In making this unauthorized assignment, Joshua purportedly
 20 acted as Manager of Plaintiff, while Florence purportedly acted as witness. Later, on
 21 February 1, 2011, again without knowledge, authorization or permission from Plaintiff,
 22 Defendants purportedly assigned the Original BIOLOGIC Mark from Dahon Taiwan to
 23 Mobility Holdings. Upon information and belief, in making this second unauthorized
 24 assignment, Florence purportedly acted as President of Dahon Taiwan, while Joshua
 25 purportedly acted as witness. Upon information and belief, Defendants are now
 26 unlawfully using the Original BIOLOGIC Mark and ECOLOGIC Marks without
 27 Plaintiff’s authorization or permission, resulting in significant harm to Plaintiff.
 28

1 54. Upon information and belief, Dahon Taiwan is the registered owner of
2 United States Trademark Registration Nos. 3,881,018 (“018 Mark”), 3,883,830 (“830
3 Mark”), 3,887,357 (“357 Mark”), and 3,880,968 (“968 Mark”) (collectively “Other
4 BIOLOGIC Marks”). The 018 Mark was registered for use on bottles in International
5 Class 21 goods on November 23, 2010, with a claimed first use date of August 30,
6 2010. The 830 Mark was registered for use on vehicle and bicycles lights in
7 International Class 11 goods on November 30, 2010, with a claimed first use date of
8 December 1, 2005. The 357 Mark was registered for use on bicycles helmets and
9 mileage recording instruments in International Class 9 goods on December 7, 2010,
10 with a claimed first use date of December 15, 2009. The 968 Mark was registered for
11 use on bicycle locks in International Class 6 goods on November 23, 2010, with a
12 claimed first use date of August 10, 2010. Copies of the Other BIOLOGIC Marks are
13 attached to this First Amended Complaint at Exhibits “G”-“J” and are incorporated
14 herein by reference. The Other BIOLOGIC Marks are of the name “BIOLOGIC”.

15 55. Upon information and belief, the Other BIOLOGIC Marks were
16 improperly registered in Dahon Taiwan’s name, as they were developed using Dahon
17 funds, and were always intended to be shared by all Dahon companies. Indeed, upon
18 information and belief, the Other BIOLOGIC Marks were granted at least in part upon
19 reliance on the Original BIOLOGIC Mark that was registered to Plaintiff. Upon
20 information and belief, however, Defendants now claim exclusive ownership over the
21 Other BIOLOGIC Marks and are presently marketing and selling goods bearing the
22 BIOLOGIC Mark in this District. Upon information and belief, these claims of
23 exclusive ownership by Defendants to the Other BIOLOGIC Marks are fraudulent, and
24 are resulting in significant harm to Plaintiff. In addition, Defendants’ sale of
25 BIOLOGIC- and ECOLOGIC-branded bicycle accessories are infringing upon
26 Plaintiff’s rights to the BIOLOGIC and ECOLOGIC Marks, including Defendants’
27 continued use of the www.dahon.com and www.thinkbiologic.com websites to
28 advertise, distribute, market, and sell these BIOLOGIC and ECOLOGIC products.

1 Defendants' actions have also resulted in unlawful dilution of the BIOLOGIC Mark, in
2 confusing the marketplace as to the origins of Defendants' products, and in unfair
3 competition with Plaintiff.

4 56. In addition to the registered trademarks identified above, Plaintiff is
5 informed and believes that Defendants are improperly seeking to register other
6 trademarks that were developed by Dahon employees using Dahon funds. Accordingly,
7 this pleading will be supplemented as needed to include any other marks that may be
8 registered by Defendants and were developed using Dahon funds.

9 57. Furthermore, in addition to the trademarks identified above, Plaintiff is
10 informed and believes that Defendants also claim ownership over various patents and
11 copyrights that were developed using Dahon resources and funds. In particular,
12 Plaintiff is informed and believes that Dahon Taiwan is the registered assignee of three
13 folding bicycle frame design patents for which Joakim Uimonen is listed as the
14 inventor. These three design patents are United States Design Patent Nos. D610,047
15 (issued February 16, 2010), D622,638 (issued August 31, 2010), and D632,615 (issued
16 February 15, 2011) (collectively "Design Patents"). Upon information and belief, these
17 Design Patents were improperly registered in Dahon Taiwan's name, as they were
18 developed using Dahon funds, and were always intended to be shared by all Dahon
19 companies. Upon information and belief, however, Defendants now claim exclusive
20 ownership over these Design Patents and are using the patented technology in multiple
21 products being sold under Defendants "Tern" brand. Defendants are also seeking to
22 prohibit Plaintiff from using the patented technology. Upon information and belief,
23 these claims of exclusive ownership by Defendants to the Design Patents are fraudulent,
24 and are resulting in significant harm to Plaintiff. In addition, Plaintiff is informed and
25 believes that Defendants are improperly seeking to register one or more copyrights that
26 were developed using Dahon funds. Accordingly, this pleading will be supplemented as
27 needed to include any copyrights that may be registered by Defendants and were
28 developed using Dahon funds.

1 **FIRST CAUSE OF ACTION**

2 **(Breach of Fiduciary Duty)**

3 **(Against Joshua Hon, Florence Hon and Steve Boyd)**

4 58. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1
 5 through 57, inclusive, and incorporates them as though fully set forth by this reference
 6 herein.

7 59. By reason of Joshua's position as the Vice President, Sales & Marketing
 8 for DNA and the Dahon brand, and by reason of Florence's position as a director and
 9 corporate secretary of DNA and CEO of Dahon Taiwan, and by reason of Boyd's
 10 position as an officer of DNA, because Joshua, Florence, and Boyd each occupied
 11 positions of trust, responsibility and confidence arising therefrom, Joshua, Florence, and
 12 Boyd each assumed and owed Plaintiff all of the duties and obligations inherent in a
 13 fiduciary relationship, including without limitation, the duties to act on behalf of and for
 14 the benefit of DNA and Dahon; not to compete with DNA or the Dahon brand; not to
 15 take any corporate opportunity from Plaintiff in the same line of business as Plaintiff; to
 16 disclose to Plaintiff, and not conceal, the truth regarding their use of Plaintiff's website,
 17 employees, assets, funds, bank accounts, and property (intellectual, personal, and real);
 18 to protect Plaintiff's investments and only use Plaintiff's website, employees, assets,
 19 funds, bank accounts, and property (intellectual, personal, and real) lawfully and for
 20 Plaintiff's benefit; to not act or fail to act in any manner which would harm or cause
 21 injury to Plaintiff in preference to Joshua, Florence, and/or Boyd's own self-interests;
 22 and to refrain from engaging in acts of improper self-dealing at the expense of the
 23 company and other shareholders.

24 60. Joshua, Florence, and Boyd's duties of loyalty and care are owed to
 25 Plaintiff pursuant to California common law, the California Corporations Code, and
 26 Plaintiff's by-laws.

1 61. In accordance with their fiduciary duties of loyalty and care owed to
 2 Plaintiff, Joshua, Florence, and Boyd, as a director, officer, agent and/or employee of
 3 Plaintiff, were obligated (among other responsibilities) to:

- 4 a. Manage, conduct, supervise and direct the business and affairs of
 Plaintiff in accordance with applicable laws, rules, regulations, and
 Plaintiff's by-laws;
- 5 b. Neither violate nor knowingly or recklessly permit any officer, director,
 or employee of Plaintiff to violate applicable laws, rules and regulations
 or by-laws of Plaintiff, and to exercise reasonable control and
 supervision over such officers and employees; and
- 6 c. Refrain from acts of self-dealing at the expense of the company or its
 shareholders.

7 62. Plaintiff alleges on information and belief that, by engaging in the actions
 8 described above, Joshua, Florence, and Boyd violated their fiduciary duties to Plaintiff
 9 in a knowing and willful manner.

10 63. As a direct and proximate result of the foregoing breaches of fiduciary
 11 duties, Plaintiff has been damaged in amounts, the precise sums of which are presently
 12 unknown, but which will be determined in accordance with proof at trial.

13 64. As a further direct and proximate result of Joshua, Florence, and Boyd's
 14 actions, Joshua, Florence, and Boyd obtained unlawful profits to the detriment of
 15 Plaintiff. Plaintiff is entitled to restitution of all monies improperly diverted from
 16 Plaintiff due to Joshua, Florence, and Boyd's actions.

17 65. Unless restrained, Joshua, Florence, and Boyd will continue to use
 18 Plaintiff's website, employees, assets, funds, bank accounts, and property (intellectual,
 19 personal, and real) to Plaintiff's great and irreparable injury, for which damages will not
 20 afford adequate relief. Plaintiff is therefore entitled to an injunction ordering
 21 Defendants, and anyone acting in concert with them, to cease and desist from using
 22 Plaintiff's website, employees, assets, funds, bank accounts, and property (intellectual,
 23 personal, and real) to Plaintiff's great and irreparable injury, for which damages will not
 24 afford adequate relief. Plaintiff is therefore entitled to an injunction ordering
 25 Defendants, and anyone acting in concert with them, to cease and desist from using
 26 Plaintiff's website, employees, assets, funds, bank accounts, and property (intellectual,
 27 personal, and real) to Plaintiff's great and irreparable injury, for which damages will not
 28 afford adequate relief. Plaintiff is therefore entitled to an injunction ordering

personal, and real), and to deliver up said website, assets, funds, bank accounts, and property (intellectual, personal, and real) to Plaintiff.

66. The conduct of Joshua, Florence, and Boyd was fraudulent, oppressive, malicious, in bad faith, in conscious disregard of the rights of Plaintiff, and with the intent and purpose of advancing their own gain at the expense of Plaintiff's rights, reputation and business interests, and Plaintiff is therefore entitled to punitive and/or exemplary damages against them.

SECOND CAUSE OF ACTION

(Conversion)

(Against Florence Hon, Joshua Hon, Mobility Holdings, Mobility Taiwan, and Dahon Taiwan)

67. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 66, inclusive, and incorporates them as though fully set forth by this reference herein.

68. By reason of the foregoing acts and conduct, Defendants have unlawfully and wrongfully converted for their own use Plaintiff's website, employees, assets, funds, bank accounts, and property (intellectual, personal, and real).

69. Plaintiff has repeatedly requested that Defendants return Plaintiff's website, employees, assets, funds, bank accounts, and property (intellectual, personal, and real), but Defendants have refused these requests.

70. Between the time of Defendants' conversion and the filing of this action, Plaintiff has expended substantial energy and effort in an attempt to recover the converted property, including time spent by Plaintiff's employees and its attorneys, all of which has resulted in further damage to Plaintiff in an amount to be proven at time of trial.

71. As a direct and proximate result of the unlawful conversion of Plaintiff's website, employees, assets, funds, bank accounts, and property (intellectual, personal, and real), Plaintiff has been damaged in an amount not yet fully ascertained.

72. As a further direct and proximate result of Defendants' actions, Defendants obtained unlawful profits to the detriment of Plaintiff. Plaintiff is entitled to restitution of all converted property and monies improperly diverted from Plaintiff due to Defendants' actions.

73. Unless restrained, Defendants will continue the acts and conduct set forth in this cause of action, to Plaintiff's great and irreparable injury, for which damages will not afford adequate relief. Plaintiff is therefore entitled to an injunction.

74. The conduct of Defendants was fraudulent, oppressive, malicious, in bad faith, in conscious disregard of the rights of Plaintiff, and with the intent and purpose of advancing their own gain at the expense of Plaintiff's rights, reputation and business interests, and Plaintiff is therefore entitled to punitive and/or exemplary damages against them.

THIRD CAUSE OF ACTION

(For Tortious Interference With Prospective Economic Relations)

(Against All Defendants)

75. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 74, inclusive, and incorporates them as though fully set forth by this reference herein.

76. Plaintiff has economic relationships with existing distributors, suppliers, manufacturers, vendors, patent holders, customers, and employees who have helped design, market, sell and distribute the Dahon brand for many years. These relationships have the probability of future economic benefit to Plaintiff in the form of further development and sales of its products.

1 77. Defendants were aware of Plaintiff's relationships with its existing and
2 prospective distributors, suppliers, manufacturers, vendors, patent holders, customers,
3 and employees.

4 78. Defendants' independently wrongful conduct alleged herein was intended
5 to and has actually disrupted Plaintiff's economic relationships. In particular,
6 Defendants have illegally seized control over Plaintiff's employees working at the
7 Dahon Taiwan location who have contributed to product development, sales, marketing,
8 and distribution of the Dahon brand. Defendants, using knowledge gained as officers,
9 directors, and employees of Plaintiff, including Plaintiff's confidential distributor,
10 supplier and customer lists, have further contacted Plaintiff's distributors, suppliers,
11 licensors, and customers disparaging the quality and legality of Plaintiff's products and
12 business operations in an attempt to convince them not to do business with Plaintiff.
13 Defendants have even used Plaintiff's own website, www.dahon.com, to disparage the
14 quality of Plaintiff's products to its most loyal customers and to advertise their own new
15 brand. Defendants' conversion and use of Plaintiff's assets, along with their
16 disparaging statements and breach of their duties, have harmed and continue to harm
17 Plaintiff.

18 79. Defendants knew that their unlawful and unfair business methods, along
19 with their repeated and knowing misrepresentations, and false, defamatory and
20 disparaging statements would disrupt Plaintiff's sales by causing current and
21 prospective business partners to question the legality and viability of Plaintiff's business
22 operations and products, and ultimately to not purchase products, or delay purchasing
23 products.

24 80. As a proximate result of Defendants' conduct, Plaintiff's economic
25 relationships with its distributors and suppliers were actually disrupted. Plaintiff is
26 informed and believes that Defendants induced Plaintiff's existing and prospective
27 customers to delay in purchasing products, to not purchase Plaintiff's products at all,
28 and/or to purchase alternative products, including Defendants' products, thereby

1 harming Plaintiff. As a result, many of Plaintiff's distributors, including Topik,
 2 Suntour, American Classic, and Fritz Zhou, now refuse to work with Plaintiff and have
 3 instead chosen to work with Defendants. Moreover, Defendants have falsely boasted to
 4 the press and on the Internet that all of the "existing distributors" have chosen to work
 5 with Defendants instead of Plaintiff.

6 81. Defendants have committed and continue to commit such intentional,
 7 willful and malicious non-legitimate business acts with the intent of disrupting
 8 Plaintiff's business relations and reaping for themselves the future economic benefit
 9 that would otherwise flow to Plaintiff. Such actions have caused and will continue to
 10 cause damage to Plaintiff in the form of lost profits, sales, lost opportunity, lost
 11 goodwill, monetary damage and damage to reputation. Plaintiff therefore seeks from
 12 Defendants compensatory damages, punitive damages, statutory or enhanced damages,
 13 attorneys' fees and costs, and any other relief this court deems appropriate as set forth
 14 more fully below.

15

FOURTH CAUSE OF ACTION

16

(For Fraudulent Transfer And Registration Of Trademarks)

17

(Against Joshua Hon, Florence Hon, Mobility Holdings, and Dahon Taiwan)

18 82. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1
 19 through 81, inclusive, and incorporates them as though fully set forth by this reference
 20 herein.

21

22 83. On information and belief, as detailed above, Defendants fraudulently
 23 transferred the registrations for the Original BIOLOGIC and ECOLOGIC Marks to
 24 themselves, and fraudulently registered the Other DAHON and BIOLOGIC Marks to
 25 themselves.

26 84. As a direct and proximate result of Defendants' conduct, Plaintiff has been
 27 harmed in an amount according to proof, and will suffer further, irreparable injury
 28 unless the requested relief is granted.

1 **FIFTH CAUSE OF ACTION**
 2 **(For Trademark Infringement)**
 3 **(Against All Defendants)**

4 85. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1
 5 through 84, inclusive, and incorporates them as though fully set forth by this reference
 6 herein.

7 86. Plaintiff is informed and believes that Defendants, and each of them, have
 8 been advertising, selling, distributing, and/or offering for sale product that includes
 9 reproductions, counterfeits, copies, or colorable imitations of Plaintiff's Original
 10 DAHON Mark, Original BIOLOGIC Mark, and ECOLOGIC Mark in connection with
 11 the manufacture and sale of bicycles and bicycle accessories, including through use of
 12 the www.dahon.com and www.thinkbiologic.com websites.

13 87. Defendants are not authorized by Defendants to use Plaintiff's Original
 14 DAHON Mark, Original BIOLOGIC Mark, or ECOLOGIC Mark, or any confusingly
 15 similar marks, in connection with the marketing and/or sale of goods.

16 88. Plaintiff is informed and believes, and thereon alleges, that the products
 17 Defendants are advertising, selling, or offering for sale are imitations of Plaintiff's
 18 Original DAHON Mark, Original BIOLOGIC Mark, and ECOLOGIC Mark, and that
 19 Defendants are advertising, selling, distributing, or offering for sale in interstate
 20 commerce or in a manner substantially affecting interstate commerce. As such,
 21 Defendants' advertising, sale, distribution, or offering for sale of those products is likely
 22 to cause confusion, mistake, and/or deception among consumers as to the source,
 23 quality, and nature of those goods.

24 89. As a direct and proximate result of Defendants' conduct, Plaintiff has been
 25 harmed in an amount according to proof, and will suffer further, irreparable injury
 26 unless the requested relief is granted.

27 90. Plaintiff is informed and believes, and thereon alleges, that Defendants'
 28 acts were committed, and continue to be committed, with actual notice of Plaintiff's

1 rights and with an intent to cause injury to the reputation and goodwill associated with
 2 Plaintiff and its products. Pursuant to 15 U.S.C. § 1117, Plaintiff is, therefore, entitled
 3 to recover three times its actual damages or three times Defendants' profits, whichever
 4 is greater, together with Plaintiff's attorneys' fees.

5

6 **SIXTH CAUSE OF ACTION**

7

(For Trademark Dilution)

8

(Against All Defendants)

9

10 Plaintiff re-alleges and reasserts each allegation set forth above as if fully
 set forth herein.

11

12 Plaintiff's Original DAHON and Original BIOLOGIC Marks have been in
 13 use in the marketplace for many years. Dahon has spent much time, money, and effort
 14 in promoting the DAHON and BIOLOGIC brands over the years. These efforts, in
 15 combination with the many awards, favorable reviews, and general marketplace
 16 recognition of the DAHON and BIOLOGIC brands, have caused these marks to become
 famous.

17

18 Defendants' use of the DAHON and BIOLOGIC Marks via the
 19 www.dahon.com and www.thinkbiologic.com websites, and on bicycles, and
 accessories as alleged herein, constitutes dilution and blurring of Plaintiff's trademark
 20 rights, all of which are associated with the Original DAHON Mark and the Original
 21 BIOLOGIC Mark, in violation of Section 32 of the Lanham Act, 15 U.S.C. Section
 22 1114. As a direct and proximate result of this conduct, Plaintiff has been harmed in an
 23 amount according to proof, and will suffer further, irreparable injury unless the
 24 requested relief is granted.

25

26 Defendants' conduct as alleged herein was intentional willful, wanton,
 malicious, oppressive, and reckless, thus warranting enhanced and/or treble damages
 27 and attorneys' fees pursuant to 15. U.S.C. Section 1117(a).

28

1 **SEVENTH CAUSE OF ACTION**

2 **(For False Advertising and False Designation of Origin and Injunctive Relief)**

3 **(Against All Defendants)**

4 95. Plaintiff re-alleges and reasserts each allegation set forth above as if fully
 5 set forth herein.

6 96. Defendants' use of the DAHON, BIOLOGIC, and ECOLOGIC Marks via
 7 the www.dahon.com and www.thinkbiologic.com websites, on bicycles and accessories,
 8 and statements relating thereto in commercial advertising or promotion, constitutes false
 9 advertising and false designation of origin, in violation of Section 43 of the Lanham
 10 Act, 15 U.S.C. Section 1125(a).

11 97. The false statements actually deceived or had the tendency to deceive a
 12 substantial segment of Defendants' intended audience regarding the supposed
 13 origination, sponsorship, or approval of Defendants' goods by Plaintiff. The deception
 14 was material, in that it was likely to influence the consumers' purchasing decision.

15 98. Defendants caused the false statements to enter interstate commerce.

16 99. Plaintiff and consumers have been or are likely to be injured as a result of
 17 the false statements either by a direct diversion of sales from Plaintiff to Defendants
 18 and/or by a lessening of the goodwill associated with its products.

19 100. As a direct and proximate result of Defendants' conduct, Plaintiff has been
 20 harmed in an amount according to proof, and will suffer further, irreparable injury
 21 unless the requested relief is granted.

22 101. Defendants' conduct as alleged herein was intentional, willful, wanton,
 23 malicious, oppressive and reckless, thus warranting enhanced and/or treble damages and
 24 attorneys' fees pursuant to 15 U.S.C. Section 1117(a).

25 102. Plaintiff is also entitled to injunctive relief to enjoin Defendants from the
 26 actions identified herein regarding the continued sales, marketing and distribution of
 27 products and/or services bearing the DAHON, BIOLOGIC, or ECOLOGIC Marks.

EIGHTH CAUSE OF ACTION

(Breach Of Contract Against Dahon Taiwan)

103. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 102, inclusive, and incorporates them as though fully set forth by this reference herein.

104. DNA has, at all times, performed all conditions, covenants, and obligations required of it under the written contracts and purchase orders by which it purchased products from Dahon Taiwan, except for those conditions, covenants, and obligations that it was prevented and/or excused from performing.

105. Plaintiff has not excused, waived, or otherwise released Dahon Taiwan from its obligation to supply goods to Plaintiff and its subsidiaries or share profits with the same.

106. Dahon Taiwan has failed and refused, and continues to refuse, to tender payment as contractually required, without any valid legal excuse.

107. Dahon Taiwan's failure and refusal to perform their payment and profit sharing obligations has caused and will continue to cause Plaintiff damages in an amount according to proof at trial, including but not limited to lost profits and consequential damages.

NINTH CAUSE OF ACTION

(For An Accounting/Imposition Of Constructive Trust And/Or Equitable Lien)

(Against All Defendants)

108. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 107, inclusive, and incorporates them as though fully set forth by this reference herein.

109. Plaintiff alleges on information and belief that Defendants owe fiduciary obligations to Plaintiff as set forth above, and that Defendants are presently unlawfully

1 using and controlling Plaintiff's website, employees, assets, funds, bank accounts, and
 2 property (intellectual, personal, and real) to compete with Plaintiff.

3 110. Plaintiff alleges on information and belief that Defendants have received,
 4 and continue to receive, benefits and profits rightfully belonging to Plaintiff which have
 5 been, and are, derived from Defendants' wrongful conduct, but that Plaintiff is presently
 6 unable to fully ascertain the extent of same. All such benefits and profits rightfully
 7 belong to Plaintiff.

8 111. Plaintiff alleges on information and belief that, by reason of the foregoing,
 9 Plaintiff is entitled to, inter alia: (a) an accounting of all of Plaintiff's funds, properties
 10 and other assets which have been within Defendants' possession or control at any time,
 11 including without limitation, all benefits and profits derived therefrom; (b) the
 12 imposition of a constructive trust and/or equitable lien thereon in favor of Plaintiff, with
 13 an order for conveyance to Plaintiff of its rightful ownership thereof, and (c) all
 14 documentation and records in the possession or control of Defendants, or anyone acting
 15 in concert with them, which pertain to such funds, properties and other assets, and all
 16 benefits and profits derived therefrom, and an order for conveyance thereof to Plaintiff.

17 112. By reason of the tortious manner by which Defendants obtained, and
 18 continue to obtain, possession of funds, properties and assets which rightfully belong to
 19 Plaintiff, they are involuntary trustees holding such funds, properties and assets, and
 20 any benefits and profits derived therefrom, in constructive trust for the use and benefit
 21 of Plaintiff, and with the duty to reconvey the same to Plaintiff forthwith.

22 113. Alternatively, the Court should impress such funds, properties and assets
 23 which rightfully belong to Plaintiff, as well as any benefits and profits derived
 24 therefrom, with an equitable lien in favor of Plaintiff. Plaintiff has no adequate remedy
 25 at law, and the imposition of a constructive trust or, alternatively, an equitable lien, is
 26 required to avoid the perpetration of Defendants' tortious misconduct, to prevent the
 27 unjust enrichment of them, and to avoid irreparable injury to Plaintiff.

1 **TENTH CAUSE OF ACTION**

2 **(Unfair Competition [Cal. Bus. & Prof. Code § 17200 et seq.])**

3 **(Against All Defendants)**

4 114. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1
 5 through 113, inclusive, and incorporates them as though fully set forth by this reference
 6 herein.

7 115. As alleged above, Defendants have engaged in a variety of acts directed
 8 towards Plaintiff that constitute unlawful and unfair business practices in violation of
 9 California Business and Professions Code section 17200, including without limitation:
 10 (a) Joshua and Florence's extensive acts of self-dealing at the expense of DNA and its
 11 shareholders, and their other acts in violation of the fiduciary duties which they owe to
 12 Plaintiff and to Plaintiff's shareholders; (b) the unlawful conversion by Defendants of
 13 Plaintiff's website, employees, assets, funds, bank accounts, and property (intellectual,
 14 personal, and real), and their unfair use of such to compete with Plaintiff; and (c) the
 15 unlawful use of and attempts to exclude Plaintiff from using its own intellectual
 16 property rights.

17 116. Defendants have profited and will, in the future, profit unjustly from their
 18 unfair business practices. Accordingly, pursuant to California Business and Professions
 19 Code section 17203, Plaintiff seeks an award of restitution and disgorgement.

20 117. Furthermore, as a proximate result of Defendants' conduct, Plaintiff and its
 21 shareholders have been and will continue to be harmed in the form of damage to its
 22 goodwill, lost sales, and other actual damages.

23 118. The harm to Plaintiff and to members of the general public outweighs any
 24 utility of Defendants' business practices.

25 119. Defendants' unlawful competition has and will continue to cause great and
 26 irreparable injury to Plaintiff and its shareholders. Unless restrained, Defendants will
 27 continue the acts and conduct set forth in this cause of action to Plaintiff's great and
 28 irreparable injury for which damages will not afford adequate relief. Plaintiff therefore

1 requests, pursuant to California Business and Professions Code section 17203, that
 2 during the pendency of this action this Court issue a preliminary injunction, and that
 3 after trial this Court issue a permanent injunction, restraining and enjoining Defendants
 4 and their agents, employees, attorneys and representatives, and anyone acting at their
 5 direction, from engaging in the unlawful and unfair business practices alleged herein.

6 120. Defendants took the aforementioned actions willfully and maliciously,
 7 with the intent to injure Plaintiff and its shareholders, to gain an unfair competitive
 8 advantage, and to advance their own gain at the expense of Plaintiff's rights, reputation
 9 and business interests, and Plaintiff is therefore entitled to the relief sought.

10 121. Upon proof, Plaintiff is entitled to recover its costs, including attorney's
 11 fees, under California Code of Civil Procedure section 1021.5.

12

ELEVENTH CAUSE OF ACTION

13

(Unfair Competition [15 U.S.C. § 1125(a)])

(Against All Defendants)

14 122. Plaintiff re-alleges and reasserts each allegation set forth above as if fully
 15 set forth herein.

16 123. Defendants' conduct as alleged herein with respect to the DAHON,
 17 BIOLOGIC, and ECOLOGIC Marks constitutes unfair competition, in violation of
 18 Section 43 of the Lanham Act, 15 U.S.C. Section 1125(a). As a direct and proximate
 19 result of Defendants' conduct, Plaintiff has been harmed in an amount according to
 20 proof, and will suffer further, irreparable injury unless the requested relief is granted.

21 124. Defendants' conduct as alleged herein was intentional, willful, wanton,
 22 malicious, oppressive, and reckless, thus warranting enhanced and/or treble damages
 23 and attorneys' fees pursuant to 15 U.S.C. Section 1117(a).

24

TWELFTH CAUSE OF ACTION

25

(Unjust Enrichment)

(Against All Defendants)

125. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 124, inclusive, and incorporates them as though fully set forth by this reference herein.

5 126. Subject to the foregoing claims, by virtue of their wrongful conduct toward
6 Plaintiff alleged above, Defendants have been unjustly enriched by the receipt and use
7 of Plaintiff's employees, assets, funds, bank accounts, customer, manufacturer and
8 distributor lists, and property (intellectual, personal, and real) without consideration to
9 or consent from Plaintiff. Plaintiff will be harmed in an amount according to proof, and
10 will suffer further, irreparable injury unless the requested relief is granted. Accordingly
11 and alternatively to awarding a preliminary injunction, Plaintiff demands that a
12 constructive trust be imposed for Plaintiff's benefit on all revenues derived from the
13 manufacture and/or sale of products using Plaintiff's assets and/or profits based on,
14 arising out of, or otherwise derived from Defendants' wrongful conduct alleged herein.

15 127. It would be manifestly unjust for Defendants to retain any of the benefits
16 they have gained through their wrongful conduct. Subject to and as alleged above,
17 unless the Court orders restitution to Plaintiff, Defendants will unjustly benefit from
18 their actions.

THIRTEENTH CAUSE OF ACTION

(Declaratory Relief)

(Against Florence Hon, Joshua Hon, Mobility Holdings and Dahon Taiwan)

128. Plaintiff incorporates the allegations set forth in each of the preceding paragraphs as if fully set forth herein.

129. An actual controversy has arisen and now exists between Plaintiff and Defendants Joshua and Florence Hon, Mobility Holdings, and Dahon Taiwan concerning their respective rights and ownership of Dahon Taiwan shares, assets (including intellectual property registered by Dahon Taiwan), and liabilities, in that

Plaintiff contends it is the sole owner of the shares (and corresponding assets and liabilities) that was to be held in constructive trust by Florence.

130. Defendants dispute Plaintiff's ownership over Dahon Taiwan and contend that Florence and Joshua (transferred from Florence) each own 50% of the stock of Dahon Taiwan and that it is an entity independent from Plaintiff. Upon information and belief, Florence and Joshua have subsequently transferred their purported ownership interests to Mobility Holdings.

131. Plaintiff desires a judicial determination and a declaration in its favor as to the ownership, control, and rights to the Dahon Taiwan shares, assets, and liabilities, including any assets transferred to Mobility Holdings.

132. A judicial declaration is necessary and appropriate at this time in order that the parties may ascertain their rights and duties regarding Dahon Taiwan.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, as to all counts of its First Amended Complaint, as follows:

1. Actual general and compensatory damages according to proof;
 2. Reasonable attorney's fees and costs of suit;
 3. Pre-judgment interest on all amounts claimed as permitted by law;
 4. For temporary and permanent injunctive relief:
 - a. Enjoining Defendants to cease and desist from using Plaintiff's websites, employees, assets, funds, bank accounts, or property (intellectual, personal, and real) that are currently in Defendants' possession, custody and/or control;
 - b. Enjoining Defendants from interfering with Plaintiff's use of, and right to use, intellectual property applied for and/or registered by Dahon Taiwan relating to folding bicycles or folding bicycle accessories;

- 1 c. Enjoining Defendants from representing to the public through
2 advertisements, publications, or other forms of communication that
3 Defendants are in any way authorized to speak on behalf of the
4 Dahon brand; and
- 5 b. Ordering Defendants to return possession, custody and/or control
6 over all websites, employees, assets, funds, bank accounts, and
7 property (intellectual, personal, and real) belonging to Plaintiff;
- 8 5. Restitution and disgorgement of Defendant's profits unjustly obtained;
- 9 6. An accounting of all of Plaintiff's funds, properties and other assets which
10 have been within Defendants' possession or control at any time, including
11 without limitation, all benefits and profits derived therefrom;
- 12 7. Imposition of a constructive trust and/or equitable lien thereon in favor of
13 Plaintiff with respect to all of Plaintiff's funds, properties, and other assets
14 in Defendant's possession, custody, or control, and all gains, profits, and
15 advantages derived therefore, with an order for conveyance to Plaintiff of
16 the ownership over said gains, profits, advantages, funds, properties, and
17 other assets;
- 18 8. For an order that all documentation and records in the possession or control
19 of Defendants, or anyone acting in concert with them, which pertain to
20 Plaintiff's funds, properties and other assets, and all benefits and profits
21 derived therefrom, be conveyed to Plaintiff;
- 22 9. For an order that Defendants transfer to Plaintiff any DAHON,
23 BIOLOGIC, or ECOLOGIC Marks that are allegedly owned by
24 Defendants, or, in the alternative, for an order that said Marks be cancelled;
- 25 10. For declaratory relief ordering Defendants to transfer or deliver to Plaintiff
26 any Dahon Taiwan shares in their possession, custody, or control, or,
27 alternatively, for a declaration that Defendants' alleges shared in Dahon
28 Taiwan are deemed void.

- 1 11. Statutory treble damages;
2 12. Punitive or exemplary damages; and
3 13. Such other, further, and different relief as the Court may deem proper
4 under the circumstances.

5
6 Dated: December 6, 2011

CALL & JENSEN
A Professional Corporation
David R. Sugden
Vonn R. Christenson

9
10 By: /s/ Vonn Christenson
Vonn R. Christenson

11 Attorneys for Plaintiff Dahon North America Inc.
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CALL & JENSEN
A PROFESSIONAL CORPORATION

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all issues raised in the First Amended Complaint.

Dated: December 6, 2011

CALL & JENSEN
A Professional Corporation
David R. Sugden
Vonn R. Christenson

By: /s/ Vonn Christenson
Vonn R. Christenson

Attorneys for Plaintiff Dahon North America Inc.

CALL & JENSEN A PROFESSIONAL CORPORATION

Exhibit A

Int. Cl.: 12

Prior U.S. Cl.: 19

Reg. No. 1,577,680

United States Patent and Trademark Office

Registered Jan. 16, 1990

10 Year Renewal

Renewal Term Begins Jan. 16, 2000

**TRADEMARK
PRINCIPAL REGISTER**

DAHON

DAHON CALIFORNIA, INC. (CALIFORNIA CORPORATION)
833 MERIDIAN STREET
DUARTE, CA 91010

FOR: BICYCLES, IN CLASS 12 (U.S.
CL. 19).
FIRST USE 5-0-1986; IN COMMERCE
5-0-1986.
SER. NO. 73-808,355, FILED 6-22-1989.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 14, 1999.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 12

Prior U.S. Cl.: 19

Reg. No. 1,577,680

United States Patent and Trademark Office Registered Jan. 16, 1990

TRADEMARK
PRINCIPAL REGISTER

DAHON

DAHON CALIFORNIA, INC. (CALIFORNIA CORPORATION)
2949 WHIPPLE ROAD
UNION CITY, CA 94587 FIRST USE 5-0-1986; IN COMMERCE
5-0-1986.
SER. NO. 73-808,355, FILED 6-22-1989.
FOR: BICYCLES, IN CLASS 12 (U.S. CL. 19). ELLEN A. RUBEL, EXAMINING ATTORNEY

Exhibit B

United States of America
United States Patent and Trademark Office

DAHON

Reg. No. 3,887,384

Registered Dec. 7, 2010

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

DAHON AND HON INDUSTRIAL LABS., LTD. (TAIWAN CORPORATION)
8F-8, NO.6, LN.609, SEC.5, CHONGSIN RD.
SANCHONG CITY

TAIPEI COUNTY 24160, TAIWAN R.O.C.

FOR: ANKLE GARTERS; ANKLE SOCKS; ATHLETIC APPAREL, NAMELY, SHIRTS, PANTS,
JACKETS, FOOTWEAR, HATS AND CAPS, ATHLETIC UNIFORMS; HATS; MEN'S AND
WOMEN'S JACKETS, COATS, TROUSERS, VESTS; VESTS; WIND VESTS, IN CLASS 25
(U.S. CLS. 22 AND 39).

FIRST USE 12-1-2005; IN COMMERCE 12-1-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-788,999, FILED 7-24-2009.

TINA L. SNAPP, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Exhibit C

United States of America
United States Patent and Trademark Office

DAHON

Reg. No. 3,887,386

Registered Dec. 7, 2010

Int. Cl.: 18

TRADEMARK

PRINCIPAL REGISTER

DAHON AND HON INDUSTRIAL LABS., LTD. (TAIWAN CORPORATION)
8F-8, NO.6, LN.609, SEC.5, CHONGSIN RD.
SANCHONG CITY

TAIPEI COUNTY 24160, TAIWAN R.O.C.

FOR: ALL PURPOSE SPORT BAGS; ALL-PURPOSE ATHLETIC BAGS; ALL-PURPOSE CARRYING BAGS; ALL-PURPOSE REUSABLE CARRYING BAGS; BACKPACKS, BOOK BAGS, SPORTS BAGS, BUM BAGS, WALLETS AND HANDBAGS; HIKING BAGS; TOOL BAGS SOLD EMPTY, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 12-31-1986; IN COMMERCE 12-31-1986.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-789,052, FILED 7-24-2009.

TINA L. SNAPP, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Exhibit D

United States of America
United States Patent and Trademark Office

DAHON

Reg. No. 3,982,052

DAHON AND HON INDUSTRIAL LABS., LTD. (TAIWAN CORPORATION)

Registered June 21, 2011

8F.-8, NO.6, LN.609, SEC.5, CHONGSIN RD.
SANCHONG CITY
TAIPEI COUNTY 24160, TAIWAN R.O.C.

Int. Cl.: 21

FOR: BOTTLES, SOLD EMPTY, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

TRADEMARK

FIRST USE 6-30-2010; IN COMMERCE 6-30-2010.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-789,023, FILED 7-24-2009.

TINA L. SNAPP, EXAMINING ATTORNEY



David J. Kopfes

Director of the United States Patent and Trademark Office

Exhibit E

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35 and 44

Reg. No. 2,842,931

United States Patent and Trademark Office

Registered May 18, 2004

TRADEMARK
PRINCIPAL REGISTER

BIOLOGIC

DAHON CALIFORNIA, INC. (CALIFORNIA
CORPORATION)
833 MERIDIAN STREET
DUARTE, CA 91010

FIRST USE 10-1-2002; IN COMMERCE 10-1-2002.

SER. NO. 78-180,332, FILED 10-31-2002.

FOR: BICYCLE HANDLEBAR GRIPS AND BI-
CYCLE SADDLES, IN CLASS 12 (U.S. CLS. 19, 21, 23,
31, 35 AND 44).

WENDY GOODMAN, EXAMINING ATTORNEY

Exhibit F

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35, and 44

Reg. No. 3,591,949

United States Patent and Trademark Office

Registered Mar. 17, 2009

TRADEMARK
PRINCIPAL REGISTER

ECOLOGIC

DAHON CALIFORNIA, INC. (CALIFORNIA
CORPORATION)
833 MERIDIAN STREET
DUARTE, CA 91010

FOR: BICYCLES, IN CLASS 12 (U.S. CLS. 19, 21, 23,
31, 35 AND 44).

FIRST USE 1-1-2009; IN COMMERCE 1-1-2009.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 77-161,323, FILED 4-19-2007.

KAREN SEVERSON, EXAMINING ATTORNEY

Exhibit G

United States of America
United States Patent and Trademark Office

BIOLOGIC

Reg. No. 3,881,018

DAHON AND HON INDUSTRIAL LABS., LTD. (TAIWAN CORPORATION)

Registered Nov. 23, 2010

SANCHONG CITY
8F.-8, NO.6, LN.609, SEC.5, CHONGSIN RD.
TAIPEI COUNTY 24160, TAIWAN R.O.C.

Int. Cl.: 21

FOR: BOTTLES, SOLD EMPTY, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

TRADEMARK

FIRST USE 8-30-2010; IN COMMERCE 8-30-2010.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-788,883, FILED 7-24-2009.

TINA L. SNAPP, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Exhibit H

United States of America
United States Patent and Trademark Office

BIOLOGIC

Reg. No. 3,883,830

DAHON AND HON INDUSTRIAL LABS., LTD. (TAIWAN CORPORATION)

Registered Nov. 30, 2010

8F.-8, NO.6, LN.609, SEC 5, CHONGSIN RD.
SANCHONG CITY
TAIPEI COUNTY 24160, TAIWAN R.O.C.

Int. Cl.: 11

FOR: BACKUP LIGHTS FOR LAND VEHICLES; BICYCLE LIGHTS; HEADLIGHTS FOR
VEHICLES, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

TRADEMARK

FIRST USE 12-1-2005; IN COMMERCE 12-1-2005.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,842,931.

SN 77-788,859, FILED 7-24-2009.

TINA L. SNAPP, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Exhibit I

United States of America
United States Patent and Trademark Office

BIOLOGIC

Reg. No. 3,887,357

Registered Dec. 7, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

DAHON AND HON INDUSTRIAL LABS., LTD. (TAIWAN CORPORATION)
CHONGSIN RD., TAIPEI COUNTY 24160
8F.-8, NO. 6, LN. 609, SEC. 5
SANCHONG CITY, TAIWAN R.O.C.

FOR: BICYCLE HELMETS, CRASH HELMETS FOR CYCLISTS, LIFE VESTS, MILEAGE RECORDING INSTRUMENTS IN THE NATURE OF ODOMETERS, SPEEDOMETERS FOR INDICATING SPEED, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-15-2009; IN COMMERCE 12-15-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,842,931.

SN 77-782,306, FILED 7-16-2009.

TINA L. SNAPP, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Exhibit J

United States of America
United States Patent and Trademark Office

BIOLOGIC

Reg. No. 3,880,968

DAHON AND HON INDUSTRIAL LABS., LTD. (TAIWAN CORPORATION)

Registered Nov. 23, 2010

CHONGSIN RD., TAIPEI COUNTY 24160

8F.-8, NO. 6, LN.609, SEC. 5

SANCHONG CITY, TAIWAN R.O.C.

Int. Cl.: 6

FOR: BICYCLE LOCKS; METAL BALL LOCK PINS; METAL LOCKS; METAL LOCKS AND
KEYS THEREFOR, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

TRADEMARK

FIRST USE 8-10-2010; IN COMMERCE 8-10-2010.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,842,931.

SN 77-782,278, FILED 7-16-2009.

TINA L. SNAPP, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office